

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:17-CV-106-D

JEFFREY ALLEN, a/k/a Jeffrey Adams,)

Plaintiff,)

v.)

JAMES ONEIL, JOSEPH REIZNICK,)
and JONATHAN DARCHE,)

Defendants.)

ORDER


On May 24, 2017, Jeffrey Allen (“Allen”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On July 6, 2017, the court referred the motion to Magistrate Judge Numbers for frivolity review [D.E. 3]. On August 18, 2017, Allen filed a second motion to proceed in forma pauperis [D.E. 7]. On April 9, 2018, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 9] and recommended that Allen’s application to proceed in forma pauperis be granted and that the complaint be dismissed as frivolous. Allen did not respond to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record and adopts the conclusions in the M&R.

In sum, Allen's applications to proceed in forma pauperis [D.E. 1, 7] are GRANTED, and Allen's complaint is DISMISSED as frivolous. The clerk shall close the case.

SO ORDERED. This 16 day of May 2018.



JAMES C. DEVER III
Chief United States District Judge